

DRAFT 401 CERTIFICATION RE: ARROWROCK DAM PROJECT, PROJECT NO.
4656-020

On November 21, 2007, Boise-Kuna Irrigation District, Nampa & Meridian Irrigation District, New York Irrigation District, Wilder Irrigation District, Big Bend Irrigation District (Districts) requested that the Idaho Department of Environmental Quality (DEQ) issue a certification, pursuant to section 401 of the Clean Water Act, regarding the Districts' application for an amendment of the license for the Arrowrock Dam Project that was filed by the Districts on August 1, 2007. The original license was issued by the Federal Energy Regulatory Commission (FERC) on March 27, 1989. This original license was certified by DEQ on December 11, 1984.

DEQ has considered the application to amend license and all other documents filed with FERC relating to the application to amend license, including specifically the Amendments to the Environmental Assessment attached as Exhibit E to the application. Based upon its review of this information, DEQ hereby certifies, pursuant to section 401 of the Clean Water Act, that, if the Districts comply with the terms set forth in the application to amend license, the terms and conditions of the license as amended and the terms and conditions set forth in this 401 certification, there is a reasonable assurance the operation of the Arrowrock Dam Project will comply with the applicable requirements of Sections 301, 302, 303, 306 and 307 of the Clean Water Act and the Idaho Water Quality Standards, IDAPA 58.01.02.

THE FOLLOWING CONDITIONS ARE NECESSARY TO ENSURE COMPLIANCE WITH IDAHO WATER QUALITY STANDARDS:

1. The Licensee is required under the existing license to develop a plan for erosion, stream sedimentation, dust and soil mass movement (Article 105) and a plan for spoil disposal (Article 108). The existing license Article 401 requires the Licensee to consult with certain federal and state agencies regarding the plans. Before submitting these plans to the Commission, the Licensee shall submit the plans to, and consult with, DEQ, in addition to consulting with the agencies listed in the existing license Article 401.
2. The Licensee is required under the existing license Article 404 to develop a dissolved oxygen contingency plan that:
 - (a) Outlines water quality monitoring to ensure maintenance of 6 mg/L dissolved oxygen in the discharge during operation of the Project; and
 - (b) Describes how the Licensee shall rapidly modify Project operation if dissolved oxygen levels in the powerhouse discharge fall below 6 mg/L.

Before submitting the dissolved oxygen contingency plan to the Commission, the Licensee shall submit the plan to DEQ for approval. Once approved by DEQ, the Licensee shall file the plan with the Commission.